

Price (NC)	Schwarz (MI)	Thompson (MS)
Pryce (OH)	Scott (GA)	Thornberry
Putnam	Sensenbrenner	Tiahrt
Radanovich	Shadegg	Tiberi
Rahall	Shaw	Tierney
Ramstad	Shays	Towns
Rangel	Sherwood	Turner
Regula	Shimkus	Udall (CO)
Rehberg	Shuster	Udall (NM)
Reichert	Simpson	Upton
Renzi	Skelton	Van Hollen
Reynolds	Smith (NJ)	Velázquez
Rogers (AL)	Smith (TX)	Visclosky
Rogers (KY)	Smith (WA)	Walden (OR)
Rogers (MI)	Snyder	Walsh
Rohrabacher	Sodrel	Wamp
Ros-Lehtinen	Solis	Weiner
Ross	Souder	Weldon (FL)
Rothman	Spratt	Weldon (PA)
Roybal-Allard	Stearns	Weller
Royce	Strickland	Westmoreland
Ruppersberger	Stupak	Wexler
Rush	Sullivan	Whitfield
Ryan (OH)	Sweeney	Wicker
Ryan (WI)	Tancredo	Wilson (NM)
Ryun (KS)	Tanner	Wilson (SC)
Salazar	Tauscher	Wolf
Sanchez, Loretta	Taylor (MS)	Wu
Saxton	Taylor (NC)	Wynn
Schiff	Terry	Young (AK)
Schmidt	Thomas	Young (FL)
Schwartz (PA)	Thompson (CA)	

NAYS—35

Abercrombie	Honda	Schakowsky
Baird	Kucinich	Scott (VA)
Becerra	Lee	Serrano
Berkley	Lofgren, Zoe	Sherman
Berman	McDermott	Stark
Blumenauer	Nadler	Wasserman
Clay	Olver	Schultz
Conyers	Paul	Waters
Delahunt	Payne	Watson
Frank (MA)	Sabo	Watt
Grijalva	Sánchez, Linda	Waxman
Harman	T.	
Hinche	Sanders	

NOT VOTING—18

Bishop (NY)	Gohmert	Oberstar
Bono	Inglis (SC)	Reyes
Campbell (CA)	Keller	Sessions
Filner	Lantos	Simmons
Ford	Manzullo	Slaughter
Gibbons	Nussle	Woolsey

□ 1709

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 230, final passage of S. 193, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ACKERMAN. Mr. Speaker, on rollcall vote No. 230 on S. 193, my vote was mistakenly recorded as "aye" when it should have said "nay."

REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 842, I call up the bill (H.R. 5254) to set schedules for the consideration of permits for refineries, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Refinery Permit Process Schedule Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "applicant" means a person who is seeking a Federal refinery authorization;

(3) the term "biomass" has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term "Federal refinery authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, the Administrator is authorized to provide financial assistance to that State to facilitate the hiring of additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State to facilitate its consideration of Federal refinery authorizations.

SEC. 4. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this Act.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a

Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration

those factors, if the Court finds that a failure to act described in paragraph (1) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of proceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this paragraph.

(4) **FEDERAL COORDINATOR'S ACTION.**—When any civil action is brought under this subsection, the Federal coordinator shall immediately file with the Court the consolidated record compiled by the Federal coordinator pursuant to subsection (c).

(5) **EXPEDITED REVIEW.**—The Court shall set any civil action brought under this subsection for expedited consideration.

SEC. 5. DESIGNATION OF CLOSED MILITARY BASES.

(a) **DESIGNATION REQUIREMENT.**—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, as potentially suitable for the construction of a refinery. At least 1 such site shall be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel.

(b) **REDEVELOPMENT AUTHORITY.**—The redevelopment authority for each installation designated under subsection (a), in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation.

(c) **MANAGEMENT AND DISPOSAL OF REAL PROPERTY.**—The Secretary of Defense, in managing and disposing of real property at an installation designated under subsection (a) pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation. The management and disposal of real property at a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (a) shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term “base closure law” means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); and

(2) the term “closed military installation” means a military installation closed or approved for closure pursuant to a base closure law.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

SEC. 7. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 842, the gentleman from Texas (Mr. BARTON) and the gentleman from

Virginia (Mr. BOUCHER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 5254.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, today's bill is part of an overall set of actions by this body to deal with long-term energy security issues in our country. The message that we hear from home is, America needs American energy. One part of that need is for more domestic refining capacity. Witness after witness at a number of our hearings in the Energy and Commerce Committee have told us so.

Every emergency on energy has found us with less and less refinery capacity to refine fuel, and now there is absolutely none to spare here in the United States. Without more refinery capacity domestically, prices are squeezed ever upward. We are relying more and more on imported refined products as well as imported crude oil.

Why isn't there more domestic capacity? Why haven't there been any new refineries in this country built in the last 30 years? One reason is surely regulatory uncertainty caused by the bureaucratic delays in the current permitting process. H.R. 5254 addresses that problem head on, while preserving every single existing statute providing for environmental protection and opportunity for public participation. Every one.

Let me read that again. H.R. 5254 addresses that problem head on, while preserving every single existing statute providing for environmental protection and opportunity for public participation. Every one. Not one of those statutes is repealed or modified.

What H.R. 5254 does do is set up a Federal coordinator who convenes all officials, State, local and Federal, responsible for the permits for a proposed refinery. Working as one team, the agencies will integrate their action schedules and the process should move forward expeditiously.

What role would a State play in this process? The bill provides that the Governor of the State where the refinery would be sited designates the State officials to participate in the scheduling coordination. If the Governor of a State decides not to appoint any State officials, nothing in this act can compel the State officials to participate in the effort. The Federal coordinator will simply have to take that lack of State participation into account in scheduling the remaining actions of Federal permitting officials.

But if there is no State participation in that State, the process will not go

forward. Unless the State official is designated by his Governor or her Governor, they cannot participate in the agreement. Unless the Governor signs on, the State agencies cannot be subject to a court order to stay on schedule. That is how the Governor of any State where a proposed refinery would be located reserves the option of participating or not participating in the process.

I would encourage any conference committee on this bill to further clarify that the Governor has the option in the beginning to opt into the process, instead of in the middle of it or at the end of it not to participate.

□ 1715

That is something that we reserve for a conference with the Senate. For Federal energy officials, however, the process is not optional once the request is made for the Federal coordinator to help.

Here, Mr. Speaker, I do acknowledge the work of the gentleman from Virginia (Mr. BOUCHER), the gentleman from Michigan (Mr. DINGELL) on this issue.

The gentleman from Virginia spoke on this issue when the bill was brought up under suspension last month. Following that debate, with the cooperation of the House majority leadership, Mr. DINGELL, Mr. HALL, Mr. BOUCHER and I did try to get together to explore common ground on this and other refinery issues.

Mr. Speaker, we did not reach resolution in time to incorporate some of our negotiations in the new language in this bill, but I still look forward, as we go to conference with the Senate continuing that dialogue in this context and perhaps bringing others into the dialogue as well.

Mr. Speaker, a separate provision in the bill before us today calls on the President to designate three or more closed military installations as potentially suitable for the construction of a refinery. Why is this provision in the bill? Because we know of communities with closed bases that are interested in siting a refinery.

We also know that the President of the United States is interested in this provision, he has spoken to me about it personally. They feel that the designation by the President would boost their chances of getting the attention of potential commercial developers. We also recognize that not every community with a closed base may want a refinery.

Nothing in this bill increases the likelihood that a community that does not want a refinery on a closed base will get one. Why? There are at least two reasons. The bill only encourages the local redevelopment authorities to consider the feasibility and practicality of siting the refinery. There is no requirement that they accept it.

Despite what you may hear in the debate, that decision is left up to the community. The Secretary of Defense is required to give substantial deference to the recommendation of the

redevelopment authority to site or not site a refinery on a closed military base, explicitly preserving existing law.

Mr. Speaker, this debate is about our Nation's energy security. I want to commend the leadership of this body for bringing the bill in a timely fashion to the floor and expediting the bill. Mr. Speaker, there are those who believe we have already run out of resources and ideas.

They say that we are all together in this, that we will just have to learn how to make do with less. Today they urge us to do nothing. I do not accept that. We have a refinery need in this country for 21 million barrels per day. We have a refinery capacity for approximately 17 million barrels a day. Subtract 17 from 21, you get 4 million barrels.

Mr. Speaker, we can certainly find the political will to come together to make it possible to reform the permitting process so that it might be possible to add to some existing refineries, and, yes for heavens sake, maybe even build one or two new ones.

That is what this bill is all about. It has passed the House floor once under suspension of the rules, but it did not get the two-thirds vote. I am hopeful today that we will get a majority vote and send this to the other body so we can work with them when they report a similar bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill that is before the House and urge its rejection. The refinery bill today makes its second appearance on the House floor in recent weeks. It was essentially the same bill that was rejected by the House in May.

Since the bill's last appearance on the floor, a serious effort has been made by the bipartisan leadership of the Energy and Commerce Committee to find common ground between our position and the Republican position. I want to thank the gentleman from Texas (Mr. BARTON), who chairs the full Energy and Commerce Committee for his good faith effort to produce a bipartisan bill.

I also want to thank the chairman of the Energy and Air Quality Subcommittee, Mr. HALL, and the ranking Democrat on the full committee, Mr. DINGELL, for the time that they invested in seeking a bipartisan compromise.

Unfortunately, the differences between the Republican position and our position were simply too great, and the consensus bill could not be produced.

While I commend the effort made by Mr. BARTON and Mr. HALL to work with us in trying to produce a balanced measure that we all today could support, I must express disappointment that the Republican House leadership chose to disallow all amendments on the refinery bill that we are debating on the floor today.

The bill should have been structured in such a way as to provide an opportunity to consider our Democratic substitute, which would make a genuine difference in relieving the Nation's shortage of refinery capacity.

While I will argue the merits of our more meaningful approach during today's debate, we are now relegated to offering our alternative in what is known as a motion to recommit, a procedure at the end of the formal debate that does not offer a full opportunity for the House to consider, in normal order, our proposal.

There is broad agreement that we have a shortage of refinery capacity in the United States today. The gentleman from Texas acknowledged that in his comments as well. There are simply not enough refineries in the Nation to produce the gasoline, the diesel fuel and the other refined products that we consume in the United States on a daily basis.

In fact, of the 20 million barrels we consume each day, more than 2 million barrels of refined product are imported each day. During times of emergency, such as a hurricane that might disable some of our refining capacity, we have no margin for error since we are not even meeting our own daily demand with U.S.-based refineries, we are in a highly vulnerable position whenever part of our already limited refinery capacity is disrupted.

When that happens, we have to import even more refined product. And we have to do it on very short notice. Arranging to buy the refined product overseas, scheduling delivery of that product to the United States, and then waiting on those shipments to arrive are all time consuming and all occur at a time when because of the hurricane, refinery fire or earthquake or other emergency, we simply do not have enough refined product to meet current demand.

The inevitable result is a huge spike in gasoline prices. That is exactly what happened in the weeks after Hurricane Katrina. And until we add more refinery capacity, that is what will happen every time in the future we have a disaster that takes down some of our limited refining capacity.

On this much, Republicans and Democrats agree. To promote our energy security and to protect Americans from future gasoline price spikes, we need to build more refineries in the United States. The disagreement that we have is over the best means to ensure that they are built.

The Republican bill now before the House is simply not the answer. It weakens State environmental protection processes and procedures while doing virtually nothing to assure that new refineries are, in fact, built. The bill before us repeals the law requiring the States and the Federal Government to work together to set deadlines and streamline the process for issuing permits for new refinery construction.

That new requirement became law just last August in the Energy Policy

Act of 2005. Instead of repealing it, we should be giving it a chance to work. Let us see if those provisions are satisfactory. And if they are, perhaps that could resolve the need.

The bill before us adds a new layer of Federal bureaucracy by creating a Federal coordinator to oversee State-permitting actions, and States would be mandated to meet a Federal schedule for issuing refinery construction permits.

States that have legitimate environmental concerns would find their normal review processes short circuited under a mandated Federal schedule for permit issuance.

And the bill proceeds from a deeply flawed assumption that the reason that we have a refinery shortage is burdensome State permitting processes. The real reason we do not have enough refineries is the economic interests of the refiners, not environmental constraints.

Between September of 2004 and September of 2005, the Nation's refiners enjoyed a 255 percent profit increase. When you are doing that well, why change anything? Why make added investments in new refineries when the status quo grants you with a 255 percent profit increase?

By interfering with State environmental permitting, the Republican bill is truly a solution in search of a problem, and it ignores the real problem. The oil companies themselves have told us that environmental regulations are simply not the problem.

Here is what the oil company CEOs have said about regulations governing their refining siting process. Last November, the CEO of Shell testified to the Congress, "We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery."

Conoco's CEO testified, "At this time, we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation."

The record before the Congress is clear. It is devoid of any evidence that environmental permitting has delayed or prevented the construction of new refineries. In fact, the record clearly shows that environmental permitting is simply not a problem.

And yet, this bill weakens environmental permitting. It is the wrong answer for the problem that we face. Mr. Speaker, there is a right answer. Decades ago, our Nation created the Strategic Petroleum Reserve to resolve, with regard to crude oil, the very same problem that we are now having with regard to the refining of gasoline.

The Strategic Petroleum Reserve has proven to be an excellent shock absorber, guarding our Nation against price spikes occasioned by disruptions in crude oil deliveries. It works exactly as it was designed to function.

Our Democratic proposal is to extend this proven and successful model to solve the problem we now face with a

shortage of refinery capacity. We propose the creation of a Strategic Refinery Reserve patterned on the Strategic Petroleum Reserve. In normal times the refineries that comprise the reserve would produce gasoline and other products for the government fleet, including the U.S. Department of Defense.

This step would enhance our national security. Refineries would not operate at full capacity during these normal times. During times of emergency, the refineries would sell gasoline into the commercial market, protecting the American public from gasoline price spikes should some of the U.S. refining capacity be shut down.

This sensible alternative, which the rule earlier adopted precludes us from offering as a substitute, would be an effective means of solving the problem which simply must be addressed.

I urge, Mr. Speaker, that the Republican bill be rejected and that the House adopt our Democratic motion which will be offered at the end of debate today, and that motion will contain the very sensible and, I think, effective Strategic Petroleum Reserve.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise today in strong support of H.R. 5254. This bill recognizes the need for increased supplies of refined petroleum products, and takes the necessary steps to increase our refining capacity.

No new refinery has been constructed in the United States since 1976. Yet the demand for gasoline exceeds domestic production by an average of 4 million barrels per day. This was made worse in the aftermath of the most recent hurricanes.

This growing gap must be met by importing refined petroleum products from foreign sources. Refining capacity is not being increased due to, in part, a permitting process that is overly cumbersome and capital intensive.

This bill makes the necessary commitments to expand and diversify the refining industry in this country. By reforming and expediting a permitting process that is excessively slow and nearly impossible to navigate, we will enable refiners to meet the energy needs of America's citizens.

These facilities must still meet the strictest environmental standards under current law. It does not allow any agency or facility to short-circuit environmental compliance.

Mr. Speaker, for these reasons I support this bill and urge its passage.

□ 1730

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, for a second time this year the Republicans are attempting to move legislation that would significantly alter Federal law regarding the refinery permitting proc-

ess without a committee hearing, without a markup, without even allowing the bill to be amended on the floor. This bill is a rerun of the Gasoline for America's Security Act, the GAS Act, which was only approved by the House by two votes after the Republican leadership twisted arms and held the vote open for 45 minutes.

The GAS Act was a bad bill then and this is a bad bill now. While proponents contend that the oil companies are unable to improve their refinery capacity because of excessive regulation, the truth is oil companies have intentionally reduced domestic refining capacity to drive up gas prices.

I have here three memos, from Chevron, from Mobil, from Texaco, all specifically advocating that these companies, these refineries, limit their refinery capacity to drive up the price for gasoline for America. From September 2004 to September 2005 the refineries' profits increased by 255 percent. During the first quarter of 2006 Valero Energy Company, the largest refiner in the United States, recorded profits 60 percent higher than last year. Obviously, complying with Federal regulation does not present these companies with a significant financial hardship or hardship to put forth refining.

By pushing refinery legislation through the House without any hearings, debate or amendments, we are doing the American people a great disservice. I encourage my Republican colleagues to address real legislation that can help the consumer at the pump rather than legislation that provides additional handouts and free rides for their friends in the oil industry.

I urge a "no" vote on H.R. 5254.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a distinguished member of the full Committee on Energy and Commerce.

Mrs. BLACKBURN. Mr. Speaker, you know the bill on the floor today really should be an easy vote for every single Member of this House. And I think it is important to note that there are those that are a part of the body who keep complaining about high gas prices, but then they are going to turn around and vote against legislation like this repeatedly. As we have brought solutions and action items to the floor, they have chosen to cast a "no" vote.

The facts are pretty clear on this. We had 324 refineries in 1981. Today we have 148. We have not built a new refinery in the country since 1976. We have talked about refinery utilization already in this discussion today. It is running confidently over 90 percent and recently as high as 98 percent. That means one more hurricane in a region packed with refineries is a big problem. This is something that we need to recognize; certainly this leadership and this committee does, and we hope other Members do, too. All of these statistics end up meaning higher gas prices for our constituents when they go to the pump.

What will it take for Members across the aisle to do more than just complain? They didn't like the GAS Act last year because of environmental concerns. Now the bill we have on the floor today does not touch those existing environmental rules. All that is spelled out in section 6 of this bill. There are those protections. They are there still. We are not getting cooperation on this issue, and at some point we have to conclude that Members who vote "no" over and over repeatedly on energy legislation are simply telling their constituents to get over it and live with higher gas prices.

We have had multiple hearings on the gas prices. We have had multiple hearings on this issue. Our constituents are ready for some action. We have heard from experts in the field that this bill will help. I urge Members to vote in favor of the bill.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Virginia and I thank him for his leadership on this issue.

Let me begin by saying that I have been in Congress for 30 years now and served on the Energy Committee for 30 years, and this is absolutely the worst energy bill I have seen since the refinery bill the House defeated just over 1 month ago. In fact, it is the same exact bill risen from the grave like some horror movie monstrosity to haunt this House and our country once again.

This bill also comes to us, just 10 months ago, as I said, when President Bush signed the Energy Policy Act of 2005 into law. That bill contained a refinery siting provision. Those provisions were praised at the time by the Republican leadership and the President who claimed that it promotes greater refinery capacity, so more gasoline will be on the market, and it increases gasoline supply by putting an end to the proliferation of boutique fuels. That is 10 months ago, on the greatest energy bill that America had seen in a decade.

But now less than a year after the House passed and the President signed the Republican energy bill into law, as people are screaming at the pumps, as they are being tipped upside down and money is being shaken out of their pockets, as the American people realize that the Republican Party has allowed OPEC and the oil industry to take advantage of every single consumer across the country, this House is now poised to repeal the refinery siting law.

The Speaker, the Republican Speaker praised last summer and replaced it with a brand-new refinery siting scheme. The House Republicans have come up with just another new way of helping the oil and gas industry. Apparently, they do not like the bill they enacted last year; they want a new one. The problem is that the new snake oil that is being peddled in this bill is no more effective than the old snake oil it

replaces or the snake oil the Republicans were peddling on the House floor 2 years ago or 3 years ago or 4 years ago.

This bill will not reduce gas prices at the pump, it will not curb spiraling gasoline or home heating oil gas prices. All it does is throw more regulatory subsidies, taxpayer subsidies, at wealthy energy producers who do not need any more government handouts.

Here is what the Bass refinery bill would do: Direct the President to designate no fewer than three closed military bases to be turned over to the oil companies for use as an oil refinery.

Mr. Speaker, this is one terrible bill. I urge the Members to vote "no."

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee, a great catcher and left-handed pull hitter on the congressional baseball team.

Mr. HERGER. Mr. Speaker, gas prices are at a record high in my northern California congressional district. Part of the reason is that America's refining capacity is stretched to the limit. Yet effort to expand our refining capacity faces up to 10 years of bureaucratic red tape. At that pace, it is no wonder America has not built a new refinery in 30 years.

This legislation cuts through some of that red tape by simply requiring that the Federal agencies work together and stay on schedule when refinery projects are being considered. I do not think it is too much to ask that Federal bureaucracies work more efficiently. Families and businesses throughout this country have to meet deadlines. Mr. Speaker, the government should have to as well.

I urge my colleagues to support this legislation.

Mr. BOUCHER. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BOUCHER) has 15½ minutes remaining. The gentleman from Texas (Mr. BARTON) has 20 minutes remaining.

Mr. BOUCHER. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING), the distinguished son from the Magnolia State, the distinguished vice chairman of the Committee on Energy and Commerce.

Mr. PICKERING. Mr. Speaker, I thank the chairman and I commend him for his leadership on trying to address the energy supply and demand and refining capacity of our Nation so that we can begin to see lower gas prices, better energy supply and a better market for our people here in the States.

It applies to both economic strength and national security. And I wish that we could do more. To be honest, all of the hullabaloo is much to-do about nothing. This bill does not change the

clean air or clean water requirements. EPA has given it priority status. It simply gives an ability for us to coordinate among all government agencies the permitting process which is too cumbersome and too long. This is the only way we can help expedite in a reasonable way and a responsible way to have the refining capacity necessary for our Nation.

It reminds me of my friends on the other side that when they see a house burning, they will lay down in the street to keep the fire truck from coming to make a difference and to put the fire out. That is what we are trying to do, whether it is on OCS, on offshore production, on additional refining capacity, or additional nuclear capabilities in our country, anything that will increase our own independence and energy supply.

On this side, we stand up in a responsible way, a rational way for it; and on the other side, they will do everything to obstruct and block and stop the progress that we need for greater energy production, greater energy refining and greater energy independence.

Mr. BOUCHER. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, we certainly all know that American consumers are facing an energy crisis. The high cost of energy to heat and power our homes and to run our automobiles is sapping family budgets across the Nation, and hurting the bottom line of businesses across the Nation as well. We need to do more to make our Nation energy independent and to reduce energy costs for our consumers. We need to focus on alternatives to oil and other fossil fuels as well by turning to alternatives like ethanol or biodiesel or nuclear power, solar, wind power.

Just as it is wise to diversify your economic portfolio, we must diversify our energy options, and we need to do more to incentivize the production and distribution and use of alternative sources of energy. And I am confident that we will, we can.

But while we work toward alternatives, we must also deal with the reality of the current situation. We have too few refineries, and those we do have are in areas that are vulnerable to natural disasters such as the entire world recognized last year with Hurricane Katrina.

We have not built a new refinery in America since the 1970s. In that time, of course, demand for gasoline has absolutely skyrocketed. The lack of new refineries limits the supply of gas at a time of high demand and it drives up costs for our consumers.

Too many on the other side of this debate look solely at conservation or alternatives, and they ignore the law of supply and demand. The brutal reality is that the greatest victims of this approach are the lowest income Ameri-

cans who are dependent on older, less fuel-efficient vehicles. But they need help.

As well, energy security equals national security and that fundamental caveat needs to be the impetus for this debate today. I urge my colleagues to support this legislation that will serve as a bridge to a more energy-independent America.

Mr. BOUCHER. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on the full Energy and Commerce Committee.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague, the distinguished gentleman from Virginia, for this time.

I begin by observing that this bill and the arguments made on its behalf are as phony as a \$3 bill. My colleagues have seen this sorry piece of legislation before and they voted it down. Since we considered this legislation the first time, there have been no hearings. The arguments made against it at that time are as good today as they were then. And the committee has made no effort to go out and get the facts or to learn what is going on so they could make an honest and factual presentation to this body.

The harsh fact of the matter is the refinery shortage in this country is an economic one. The oil companies do not make money in refineries. The harsh fact of the matter is, as was told me in my office by the head of one of the major oil companies, they do not need any help and they do not want any help to build refineries because they have made an economic judgment that it is better not to build because they make their money elsewhere, and that is a far better way of spending oil companies' money.

□ 1745

Now, if we look at the remarks of Daniel Yergin, a respected oil analyst, he tells us the industry has added the equivalent of 10 new good-sized oil refineries over the last dozen years. In addition to these expansions, recent announcements by the industry anticipate an additional 1.1 million barrels of new refining capacity will be added in coming years. Most importantly, this has been done under current law.

A survey we conducted recently of State and local permitting agencies provides further evidence that the environmental permitting process is not preventing new refineries from being built or existing refineries from being expanded. Only one new major refinery has requested an air permit in the past 30 years. It got the permit, but it never got the investors. Explain that, proponents of the bill.

The air permit has been granted not once but twice. According to our survey, permitting agencies responsible for permitting half the refineries in the

country have issued all, all, but two major expansion permits in less than a year after receipt of a complete application.

This is an ill-advised bill, brought to the House under a parody of the House rules, with no opportunity to amend and little time for an intelligent debate. The rule is effectively closed and permits no amendments by Members on this side of the aisle.

My colleagues on the Republican side have said that the Democrats have not conducted themselves in good faith. Such remarks were made by the chairman of the subcommittee. I would note, and I wish he were here so that he could hear me say this, that those statements are not true.

We consulted through staff and Members alike with the Republicans to come forward with a fair piece of legislation and a compromise bill which would, in fact, work. We offered suggestions on behalf of our side of the aisle through the distinguished gentleman from Virginia (Mr. BOUCHER), offering a meaningful substitute, including a refinery bill which would have passed and which would have worked. It was a bill which would have set up not just provisions relating to refinery permits, but also relating to Federal movement towards the construction of these refineries. If you want refineries, that is the way to get them because industry will never construct new refineries because they do not want them.

Now, one more curious thought. My Republican colleagues have said that we will have an energy bill every week, and they are coming close to it, but they are having some small difficulties because here they have to bring the same bill up twice, once under suspension and lose, and once now under a gag rule.

I would note for the benefit of my Republican colleagues that we passed last year, with bipartisan support and my assistance to my friend, the chairman of the committee, in drafting a piece of legislation which included refinery legislation in it, the energy bill of the last year, a good piece of legislation. I supported it. I worked with the chairman to get it done. I would note in a curious, indeed a most curious, action, that bill is substantially repealed by this very strange piece of legislation.

It cannot be explained to me, I think, in a few words as to why it is that that bill, touted as the solution to our Nation's energy problems, has been now repealed at least insofar as the refinery permitting provisions, and why we have to now rush ignorantly forward with a bag upon our heads to pass a new piece of legislation which is going to accomplish precisely nothing, except perhaps help my Republican colleagues in a time of terror and fear.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), another distinguished member of the full committee, from the State that built our first refinery back in the 1870s and

the State that still today has substantial refinery capacity.

Mr. MURPHY. Mr. Speaker, I thank the distinguished chairman.

Many times on this floor I have heard debate talk about how America has lost some of its manufacturing capacity to other nations, particularly at times with talk about defense issues such as strategic metals. Many people lament that if we have lost that capacity at times of problems or national security, national defense issues, where will we get it from? We have to depend upon other countries to import that.

Well, we indeed are in the same situation now with our petroleum products that are refined. We import 2 million barrels a day from other countries, from Western Europe, from Saudi Arabia, from Venezuela, from some countries that are more volatile politically than others. The same thing occurs when we are importing other crude oil from other countries, and we recognize the importance of not having to depend upon other countries that one day may be a political friend, and the next day may do such things as say we are cutting off the oil unless you let us have nuclear weapons.

Here we are in that same situation when it comes to oil refineries. It takes about eight to 10 years to go through the permitting process for an oil refinery, a preposterous amount of time, but it is important that all permits and all environmental needs are met. This bill does not gut any of those.

As a matter of fact, what it does is it appoints someone to coordinate and make sure that that process continues on and there are no delays. Once a permitting takes place, it takes an additional 2 to 3 years to construct the plant. So, if we were to pass this today and the Senate were to pass it and the President were to sign this, it would be perhaps another 10 years, a decade, before products started to flow out of there.

We simply cannot delay this anymore. It increases the demand, it reduces the supply, and I believe if the law of supply and demand is telling us anything right now, America is demanding that lawmakers increase the supply.

We know that studies have been done telling us that price gouging is not the issue. It is a matter of having adequate supplies of petroleum and petroleum products. So, while we are working on conservation, while we are working on getting hybrid fuel cell vehicles, we need to pass this bill so we can get more of the supply here and reduce the cost.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as the gentleman from Virginia said earlier, this bill is a solution in search of a problem. I really want to focus on section 5 of the bill, and I would urge all my colleagues to

read this bill, together with the BRAC statutes and regulations in order to understand what we are doing here.

But as written, section 5 of the bill requires the President to designate at least three closed military bases as sites for oil refineries, and then it requires the local redevelopment authorities, or LRAs, to develop a reuse plan for an oil refinery. The BRAC statute and the BRAC regulations give the final decision to the Secretary of Defense, not to the local community. Under current law, the LRA is charged with developing a reuse plan for a closed base.

Successful LRAs develop their plans in consultation with a myriad of stakeholders in the local community, as well as representatives from State and Federal agencies and private industry. Over a period of time, often 18 to 24 months, the LRA painstakingly designs a plan that takes into account the specific needs of the local community and has local support.

The reuse plan is then submitted to the Secretary of Defense who has the authority to approve the plan or reject it and require the LRA to start over.

Now, I have no problem with an LRA or any local community deciding that an oil refinery represents the best use of their closed facility. If it makes sense for such a community, then they should do it. There is nothing, nothing, in current law or in the regulations put forth by the Office of Economic Adjustment at DOD that is an obstacle to building a refinery. There is no problem.

We do not need section 5, but if you look at section 5, Designation of Closed Military Bases, the presidential designate, it is mandatory, no less than three closed military installations as potentially suitable for construction of a refinery. Part B, the redevelopment authority shall consider the feasibility and practicality of siting a refinery on the installation.

The next section contemplates that they will do that in the context of the redevelopment plan for the installation, and then it provides the rest of it shall be carried out under the BRAC law.

So here we have a situation where the President of the United States is going to designate, is going to order such a plan, and in that case, the Secretary of Defense is almost certain to carry it out. The LRA has no power to stop them.

And do not think that this language applies only to the 2005 BRAC round. It applies to all bases closed pursuant to a BRAC round back to 1988 that still have an open or partially open reuse plan.

Now, supporters of this are circulating a Dear Colleague which says that the redevelopment authority for each closed base will consider the President's suggestions but is not required to accept them. Frankly, that is

just wrong. The bill says that it requires the Secretary of Defense to consult, and they define and the regs define consultation as explaining and discussing an issue, considering objections, modifications and alternatives, but without a requirement to reach agreement.

The supporters also say, and consistent with the language of the bill, that it requires the Secretary of Defense to give, and I quote, significant deference to the wishes of the LRA, and I want you to hold this concept in your head for a moment. Secretary Rumsfeld, giving significant deference to anybody, any agency, especially a local redevelopment authority? That is simply not going to happen.

The fact is that there is no requirement that an LRA accept a reuse plan in this bill. Of course not. The underlying BRAC statute makes it clear that the reuse plan is not binding on DOD. LRAs do not accept reuse plans. They propose them. The Secretary of Defense accepts reuse plans or rejects them. That is his role.

Now, Mr. Speaker, communities that have suffered major base closings like Brunswick in my district are reeling from the economic impact. Jobs will be lost, the fabric of a community torn apart. These communities need to plan for their future, but they do not need interference from this Congress or from the President of the United States. Please oppose this bill.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. BARTON) has 14 minutes remaining. The gentleman from Virginia (Mr. BOUCHER) has 5 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute to engage in a colloquy with the gentleman from Maine.

It is the clear intent of this opinion legislation to not require any local community that does not wish a refinery, whether it be in the private sector or on a closed military base, to opt out of the process. I am checking with the majority parliamentarian staff, but I am willing to take an amendment on the floor right now that changes that language so that if the military base or local authority wants nothing to do with it, that is it, if the gentleman from Maine is willing to vote for the bill.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, well, I would need to see the amendment.

Mr. BARTON of Texas. You write it. This is not a bogus offer. We are not trying to do the nefarious intent that you claim we are, and if we can work out the parliamentary language so that it does not violate some rule of the House, I will take an amendment right now that you offer, if you will vote for the bill.

Mr. ALLEN. Mr. Speaker, if the gentleman will yield, my amendment was to delete section 5 of the bill.

Mr. BARTON of Texas. I do not want to delete it, but I am willing to clarify it if you are willing to vote for the bill.

Mr. ALLEN. That was my amendment. It was rejected by the Rules Committee. We should at least have had a vote on that amendment on the floor and we do not.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL), the distinguished chairman of the Energy and Air Quality Subcommittee.

□ 1800

Mr. HALL. Mr. Speaker, I, of course, rise today in support of H.R. 5254. While there is a lot of talk about refinery plants and all that, and while some plants have expanded, there haven't been any new ones built in the past 30 years. All the time Mr. MARKEY's been up here, there hasn't been one started, so far as I know, or built. Maybe enlarged or worked on, but they remain dangerously clustered in the gulf region. This bill would coordinate the permitting process for new refineries so that needless delays would be eliminated while preserving environmental protections.

One provision in the bill calls on the President to designate three or more closed military installations as potentially suitable for the construction of a refinery. Now, why is this provision in the bill? Because there are communities with closed bases, such as the former Lone Star Army Ammunition Base in my district in Texarkana, Texas, that would like to have a refinery, because it makes good economic sense.

The gentleman from Maine does not want one. He is not having one thrust upon him. Refineries bring jobs and a solid base to the local community. The designation by the President would boost a willing community's chances of getting the attention of a potential commercial developer.

Opponents of this legislation claim that the legislation will increase the likelihood that a community that does not want a refinery on a closed base would get one. That is ridiculous, and that is exactly wrong. Why? Because the bill only requires that three local redevelopment authorities consider the feasibility and practicability of siting a refinery. There is no requirement that they accept it. And also because the Secretary of Defense is required to give a substantial deference to the recommendation of the development authority to site or not to site.

Helping a willing local community to site a refinery on its closed military installation is good. It is good for the area. And, once again, a city in my area, like Texarkana, on the far eastern side of the State of Texas, close to four States, would have the support of four States, probably eight Senators, and is not subject to the vicissitudes of nature, but yet on an inside, navigable stream, with good workers there and in other areas.

This is good for the community because it brings jobs and a healthy tax base. It is good for the country because it adds needed domestic refining capacity. It also lowers dramatically the cost of gasoline, and I urge my colleagues to support H.R. 5254.

Mr. Speaker, I enclose for the RECORD a letter soliciting this from the Texarkana people.

TEXARKANA CHAMBER OF COMMERCE,

June 6, 2006.

Re H.R. 5254—Refinery Permit Process Schedule Act.

Hon. RALPH HALL,
Rayburn Building,
Washington, DC.

DEAR REPRESENTATIVE HALL: Let it be clear to all who are concerned: this community was impacted by BRAC 2005 and we would be glad to have the opportunity to attract a refinery to our closed defense facility. Lone Star Army Ammunition Plant (LSAAP) could be one of the facilities eligible for a possible refinery as a result of the BRAC 2005 action. This facility is within fifteen miles of our community and we are excited that we could have the opportunity to provide our citizens with the jobs associated with a refinery.

These energy-related jobs could also spur new technologies which could highlight our region for years to come. The resultant jobs and capital investment could help to offset the loss of LSAAP and smooth the transition to privately owned, tax paying entities on the property. Our local university is working to develop a Master's level engineering program and the technical jobs offered by a refinery would be an integral piece of that program.

It looks like our community is going to have over 15,000 acres of land available for economic development. We can think of no better place to start that development than with a refinery.

As always, we appreciate your dedication to our region.

With best regards,

LINDA CRAWFORD,
President.

JAMES BRAMLETT,
Mayor—Texarkana,
TX.

ROY JOHN McNATT,
Miller County Judge.
HORACE SHIPP,
Mayor—Texarkana,
AR.

JAMES M. CARLOW,
Bowie County Judge.

Mr. BOUCHER. Mr. Speaker, I continue to reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I wish to yield 4 minutes to another distinguished member of the full committee on Energy and Commerce from the great Granite State of New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the chairman of the Energy and Commerce Committee for recognizing me and, Mr. Speaker, I rise in support of this piece of legislation.

We have heard all the good reasons why the bill should pass. We need new refinery capacity. We need more regional diversity in refinery capacity. We are too reliant on oil as a feedstock for fuel in this country, and we need to develop alternative energy resources.

Now, I know that there is work under way right as we speak to try to figure

out a way that we can accommodate the interests of my friend from Maine, Congressman ALLEN, and his concerns over the Brunswick Naval Air Station, which is a BRAC'd naval air station in his district. I assure you that this section 5 was never created with the intent of forcing any kind of refinery capacity on any community in an area that didn't want it. If they do not want it in Maine or somewhere else in the country, they are not going to have it. There is no question about that, and the language is very clear in that respect.

The fact is the Association of Defense Communities does not oppose this bill and recognizes the protection of local authority that is maintained by this piece of legislation. So if we can dispense with that argument and pick up more support than we have already got. When the bill got 237 votes, which is, at last count, a majority of votes in this Congress, the last time it came up, it didn't get two-thirds, but it got a majority. We will work to increase that margin if we can do so in such a fashion that we can protect the ability of closed bases to subsequently build refineries or biorefineries. We need biorefinery capacity in the Northeast and this represents a potential great opportunity.

Now, we heard from other Members that refinery capacity is tight for economic reasons and not because of environmental permits. Let me make a couple of points there. First of all, I have here a list of the major permits and authorizations that were required for Arizona Clean Fuels, and I would point out that there were 37 of them required, 37 of them.

This bill would not short-circuit one single one of those requirements. Not one. But what it would do is it would allow them to occur at the same time, instead of in succession, and it would make the permitting process more seamless and occur, hopefully, more quickly.

It interests me that my friends are really supporting Big Oil, when they say that Big Oil doesn't want it so we shouldn't make it more possible. Well, Big Oil are not the only entities that necessarily build refineries, and I would suggest that the industry that wants to keep oil prices high might not want to make it easy to build more refinery capacity. But I suggest don't give them the excuse.

This bill does not circumvent any environmental, Corps of Engineers, local authority, or anything, but what it does do is, it takes away the excuse that it takes too long to build a refinery. And we need more refinery capacity in this country.

Another argument was made by my distinguished colleague from Michigan that all we needed to do was to increase the size of the refinery capacity that we have today. Apparently, my friend has forgotten that last fall one of the major reasons why energy prices climbed by 50 cents a gallon in my part

of the world was because a hurricane went through the Gulf of Mexico and Louisiana. We need diversity of refinery capacity in this country, and I mean by that geographic diversity.

What this bill will do is not promote bigger, fewer refineries, but more refineries in more places around the country, and the potential to have a biorefinery built in the Northeast, which is critical to my district.

My friends, this is about energy. There is no question about that. But it is also about energy diversity. We need more oil supplies, but we also need more alternatives, and we are willing to do what we can without bending good environmental policy to increase that capacity. I urge support of this legislation.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, this legislation continues the Republican leadership's approach of treating the big oil companies with special attention while ignoring the needs of the American people. For years, the Republican leadership has worked to give Big Oil everything they could ever want: subsidies, environmental exemptions, loopholes, and paybacks. The results have been spectacular for the oil companies, but not for the American people.

ExxonMobil recently announced first quarter profits of over \$8 billion and rewarded their CEO with a retirement package totaling nearly \$400 million. Chevron reported its profits are up 49 percent from last year. But energy is costing the American family twice as much as it did just 5 years ago.

The Republican leadership wants desperately to blame State and local governments, to blame environmental requirements for the cost of gasoline. That is the myth they want to create. But the facts are completely different. Permits have been readily granted whenever refiners have applied for them.

According to the Environmental Council of the States, there is simply no factual record that supports the need for this legislation. The State and Territorial Air Pollution Program administrators wrote to all Members of the House to point out that this legislation will have the opposite effect of what is intended. They say it would almost surely delay the permitting process.

The Republican leadership wants to claim that this legislation solves the Nation's gasoline problems. If anything, it will make it worse. Mr. Speaker, we need to reject this legislation. It is based on a faulty premise. It is only for the purpose of saying that we have done something without actually doing anything that would provide real relief to millions of American families.

I urge a "no" vote on the bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a distinguished

member from the Grand Canyon State (Mr. SHADEGG), who has the distinction of representing the last State in the Union to at least permit a new refinery. It hasn't yet been built, but they at least issued the permits for it.

Mr. SHADEGG. Mr. Speaker, I rise in strong support of the Refinery Permit Process Scheduling Act. If anything, I wish this bill went much further.

One year ago, I went to New York and visited the New York Mercantile Exchange. The traders on the floor that I spoke to said the exact opposite of what we just heard on the floor of this House. What they said was that this Nation is in desperate need of additional refining capacity. They grabbed me by the lapel on the floor of the trading mercantile and said, Do what you can to get additional refining capacity built. That is not a windfall for the oil companies, that is a windfall for consumers.

As the chairman of the committee mentioned, opponents of this bill cite the experience of Arizona Clean Fuels in Yuma as an example for why they say we don't need to improve the refining process or the regulatory process governing the construction of a refinery. Yet that example proves them wrong. It took Arizona Clean Fuels 5 years and 4 months, from December 1999 to April 2005, to obtain their permit.

It simply is not logical nor is it reasonable to say to investors in a market, if you want to build a new refinery, you have to spend almost 6 years seeking the permit to build that refinery.

Our opponents on this bill say, Well, we don't need any additional improvements to the process and we don't need to lower the environmental standards. Yet it has been made clear over and over here on the floor in the debate that we are not lowering environmental standards. Indeed, the legislation calls for the EPA to be the primary scheduling agency.

There has been no new refinery built in the United States for 30 years, since 1976. Opponents of the bill say, Well, that is all right, we have made up that by increased capacity at existing facilities. Well, let's see what we have done. We have dropped from 324 refineries in 1981 to only 148 refineries today. Relying on ever larger existing facilities, without constructing new ones, does not benefit the consuming public, as Hurricanes Katrina and Rita have taught us.

This is good legislation. It needs to be enacted. And the experience in my State proves this kind of regulatory improvement is absolutely essential.

I urge the passage of the legislation.

Mr. BOUCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Republican bill is not an effective way to address the shortage in refining capacity. It tramples on State environmental laws without effectively solving the problem.

The CEOs of the refinery companies have testified that the permitting process for refinery siting is not burdensome and has not prevented the construction of needed new refineries. The Republican bill, therefore, weakens State environmental laws needlessly because it would do virtually nothing to ensure that new refineries are, in fact, built.

By contrast, our Democratic alternative will be effective, it will address our national refinery shortage, and it will do so by relying on the proven and successful means by which we addressed several decades ago disruptions in crude oil supplies. We simply would extend the proven concept of the Strategic Petroleum Reserve by constructing a strategic refinery reserve in order to address the problem of refining capacity, very similar today to the problem we addressed decades ago with regard to crude oil supply disruptions.

So, Mr. Speaker, I strongly urge rejection of the Republican bill, and I urge that when we submit our motion to recommit that that be approved by the House.

Mr. Speaker, I yield back the balance of my time.

□ 1815

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to admit up front that the procedure for bringing this bill to the floor has not been what I would have preferred it to be, and I am going to side with my friends on the minority side about their complaints about the procedure. It has not gone through the regular order, and in the perfect world, it should have. Unfortunately, we do not live in a perfect world.

We had to take some action on the majority side to show the American people that we were serious about doing anything possible to help alleviate some of these high energy prices, and it is certainly my opinion and I think it is a fact that one part of that process has got to be to make it possible to expand existing refineries and build new refineries in this country.

It is a fact, plain and simple, that we are using over 20 million barrels a day of petroleum products and we only have the refining capacity for 16 to 17 million barrels. That is a fact.

It is also a fact that in the hearings we have had on our energy price problem in this country in the Committee on Energy and Commerce that I chair, it has been shown that one of the leading causes of the higher prices has been the refining capacity shortage.

Now, historically the refining industry in this country has been a loss leader. If you go back 10 or 15 years ago when we had the integrated oil companies going from the production of the crude through the distribution of the crude, when it came to refineries, they lost money. So for a lot of reasons they shut down the refining capacity, and

we developed a shortage in refining capacity.

Today the margin, it is the called the crack margin, and it has nothing to do with crack cocaine or cracks in concrete, it has to do with the ability to go in and crack the molecules in the crude oil and get the different levels of petroleum products out of that crude. That crack margin is higher than it ever has been by an order of magnitude. In some cases, the margin is probably approaching \$30 to \$35 a barrel of the \$70 or \$72 price. So there is more than adequate profit, but because of the regulatory impediments, it is almost impossible to go through the permitting process in a timely fashion under existing regulations and get a decision.

Now it is a true statement when my friends on the minority side say there has been no refinery not built in this country in the last 30 years, because they did not get a permit. That is a true statement, but it is only half true. The rest of the story is nobody in their right mind would try to get a permit to build a new refinery because it takes so long. So they are kind of beaten before they even start.

In the case in Arizona where an industrial group did go through the process, to this day in spite of them saying they have the permits, they have all but one. They still do not have the permit from the United States Bureau of Reclamation giving them title to the land. In this case, the land is actually owned by the Federal Government, and they still have not cleared the title to that land. Now they are going to, but they have not.

So the bill before us today is not a perfect bill. But at least it says, let us appoint a Federal coordinator, let us work with the State and local government. Let us set up a procedure where we coordinate all of these permits. We do not override any State or Federal or local air quality or water quality regulation, we just say let's coordinate it. And oh, yes, let's let the President pick three sites out in the country on closed military bases, of which we have dozens, and maybe we can get the local redevelopment authority to work with State and Federal officials to put a refinery there.

There is really no reason to oppose this bill. It is not going to do any harm, and it might just do some good. I urge a "yes" vote on this bill.

Mr. SHAYS. Mr. Speaker, I rise in opposition to H.R. 5254, the Refinery Permit Process Schedule Act. Protecting our environment and promoting energy independence are two of the most important jobs I have as a Member of Congress, but before we can begin to consider building more refineries, we must first change our consumption habits. American consumption of oil has been increasing at an unsustainable rate. In 1995, we consumed 17.7 million barrels of oil per day, but today we consume 20.5 million barrels per day.

The bottom line is we are not resolving our energy needs because we are not conserving. We'll just continue to consume more and

waste more, consume more and waste more, and act like it doesn't matter. We are on a demand course that is simply unsustainable.

We need to address rising energy prices by encouraging conservation and this bill fails to do anything to impact that. This bill will not affect gasoline prices or reduce our dependence on foreign oil. To feel relief from the price at the pump, we must focus on decreasing our consumption of oil and looking to alternative energy sources.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 5254, the Refinery Permit Process Schedule Act of 2006.

Though the Majority disingenuously argues that environmental regulations are responsible for high gas prices, the facts don't support their claim. Refining costs have increased because oil companies have deliberately decreased capacity to boost profits. In the late 1980s and early '90s, oil companies shut down 30 refineries in an attempt to raise profit margins. The scheme worked: refinery revenues increased by 255 percent last year.

In response to market pressure, refining capacity has increased in recent years. Between 1996 and 2003, capacity increased by 1.4 million barrels per day. As a result, the American Petroleum Institute believes that H.R. 5254 is completely unnecessary. The free market that the Republicans claim to love is working, but this legislation is about politics, not about solving the priorities of America's working families.

This legislation would: Allow the President to place new refineries on closed military bases. The military base in my district would probably be an appealing target for this President: it's the site of a planned National Wildlife Refuge. Like many communities around the country, the City of Alameda has undergone an extensive planning process to convert the base to civilian use, but if the President said the word, the City's work could be suspended while the federal government decided whether or not it wanted to build a refinery on the premises. Undermine environmental review processes and make state and local environmental officials answer to a new refinery czar appointed by President Bush.

The one good thing you can say about this bill is that it's not another gift to oil companies—they readily admit that environmental regulations have not prevented them from building new refineries. This legislation is just another ill-conceived talking point for Republicans desperate to appear responsive to rising energy prices. I won't play that game and I urge my colleagues to join me in voting "no".

Mr. HOLT. Mr. Speaker, I rise today in opposition to the Refinery Permit Process Schedule Act (H.R. 5254).

About a month ago the House debated this legislation under Suspension of the Rules, which makes it impossible for Members to offer amendments. H.R. 5254 did not receive the needed two-thirds majority necessary to pass under the Suspension calendar since many Members had serious objections to the proposed legislation. But we are here again today, considering this legislation without an open debate. Two Democratic amendments were ruled out of order by the Rules Committee. Representative DINGELL and Representative BOUCHER offered a substitute, which would have created a new Strategic Refinery Reserve to give our country the ability to produce refined oil products during extreme energy situations. Representative ALLEN offered an amendment that would have struck

the section of the bill requiring three closed military bases be considered as locations for refineries. So again today, we are considering this bill without the opportunity for real debate.

H.R. 5254 is based on a false premise—that requirements for environmental permits are to blame for the lack of refinery capacity. Oil companies have openly stated that environmental standards are not stopping them from building new refineries. In fact, the truth is that oil companies simply do not want to build more refineries. The solution that H.R. 5254 prescribes does not match the problem that our nation faces with energy.

Instead of investing in sustainable energy sources to meet our growing energy needs, we remain stuck in our old ways. Since the most recent spike in gas prices in early May, Congress has not considered one energy conservation piece of legislation. Instead we have considered a bill to open the pristine Arctic National Wildlife Refuge to drilling, and we will try again today to build more refineries. I hear many of my colleagues express their commitments to sustainable energy sources, yet we continue to focus our legislative efforts on oil. We simply can not rely on oil to meet our future energy needs.

I would like to take the opportunity to discuss one point of this bill that I find particularly disturbing. Section 5 directs the President to designate three closed military bases for new oil refining facilities. This section will ultimately force communities that have already suffered from the closure of a military base to welcome unwillingly an oil refinery in their backyards if the President and the Secretary of the Army deem it worthy of a refinery. I am disappointed that Representative ALLEN's amendment was ruled out of order by the Rules Committee that would have struck this provision from the bill.

In late April, I joined with New Jersey Governor Jon S. Corzine, Representative FRANK PALLONE and other New Jersey State legislators for the Signing of the Fort Monmouth Economic Revitalization Act, which creates a ten-member authority charged with overseeing the transition and revitalization of Fort Monmouth once it closes in or before 2011. Creating such an authority is an important step for communities to protect their interests as communities are revitalized following a base closure. What frightens me even more about this provision is that the Secretary of Defense can override any decision made by a local authority. The federal government can supersede a local decision. This is not just about Fort Monmouth in my district in central New Jersey. This is about communities who are already dealing with the closure of a military base. This is about allowing the Federal Government to overrule what state and local authorities believe is best for their communities.

I urge my colleagues to vote no on this legislation because it does not address our growing energy needs and is unfair to local communities.

Ms. SOLIS. Mr. Speaker, I rise today in opposition to H.R. 5242. This bill is another example of the Republican's misguided priorities.

This legislation targets our states, communities, and environmental laws as the culprits for high gas prices. But we know the truth. The dirty little secret is that oil companies which made more than \$110 billion in profits in 2005 and \$16 billion in profits in the first three months of 2006 do not want to build new refineries. They do not want to spend the

money! We learned from leaked corporate memos that the major companies—Chevron, Texaco and Mobil would go so far as to buy and shut down the competition in order to keep capacity tight.

The Yuma refinery is just one example. Twice since the 1990s this proposed refinery received the necessary permits to be constructed and operated. But the Yuma refinery has not been constructed because it cannot find the financing. Bob Slaughter from the National Petrochemical and Refiners Association testified before the House Energy and Commerce Committee on May 11, 2006 that the proponents of this project have an "air permit, but they're having trouble getting financing and actually getting that built."

Just last week the Yuma Sun reported that the Arizona Department of Environmental Quality issued a draft renewal of the current air quality permit already held by ACF—a full 6 months before the existing permit is scheduled to expire. Proponents of this bill argue that states have been delaying permits. Arizona Clean Fuels disagreed and stated "ADEQ has been very cooperative in working with us to make sure the project does proceed." And the Environmental Council of States has written that they are not aware of any credible report that our states are denying or lagging behind on permitting of new refineries and the expansion of existing refineries.

Mr. Speaker, it is time that this body considers legislation based on facts and truths. The fact is that states are not delaying permitting and environmental laws are not to blame. I urge my colleagues to protect the authority of their states and the rights of all communities—vote against this flawed legislation.

Mr. SKELTON. Mr. Speaker, show-me State motorists, like all consumers, closely follow gasoline prices, and with good reason. They have experienced dramatic increases and wide fluctuations in gas prices over the past several years, spending millions of dollars more on gasoline than they had anticipated.

Rural Americans, who rely heavily on transportation in going about their daily lives, are being hit particularly hard by the high cost of gasoline. This is especially true for farmers, many of whom are already operating at a loss this year.

It is imperative that Congress work to address our nation's energy needs through a comprehensive and proactive strategy that makes it easier to promote alternative energy sources, to stop price gouging, to increase production by expanding refining capacity, and to roll back billions of dollars in taxpayer subsidies to oil companies that are making record profits.

The refinery permitting bill before the House today contains scant assistance for the rural Missourians I am privileged to represent. It would not lower their energy costs nor assure our nation's energy security. Rather, it would change the permitting process for refineries and would require the President to designate closed military bases for consideration as locations for new refineries.

Designating closed military bases for refineries seems to make little if any sense at all. I can't believe that we have used up all the possible locations available for placing refineries and must now resort to giving federal land grants to the oil companies to encourage them to build new capacity. Closed bases are not abandoned land. In nearly every case, the

communities that surround these former installations have reuse plans for these bases to benefit the local community. If they want to place a refinery on a closed base, let them make that determination.

Unfortunately, changing permitting rules and offering federal land to oil companies will not entice them to build new oil refineries. While more refineries would certainly help produce more gasoline, oil companies have had the opportunity and financial capability for years to increase their refining capacity. Permitting rules are not stopping them, nor is there a lack of available locations for new refineries. Rather, the inability to build profitable refineries has led oil company executives away from constructing or resurrecting them.

The energy problems we are facing today must be addressed with meaningful, comprehensive legislation. House Democrats have been active in this regard, pressing for increases in the use of alternative fuel produced from the corn and soybeans grown in Missouri's fields.

Democrats have also been pushing for passage of anti-price gouging legislation since the energy markets were impacted by Hurricane Katrina.

I have supported alternate legislation that would strengthen the hands of the Federal Trade Commission and the Justice Department, targeting price gouging across the energy spectrum. It would also help Americans who are struggling to deal with high gas prices and bracing for record home heating and air conditioning bills, while creating a Strategic Refinery Reserve to provide additional gas supplies during energy spikes like the one we are currently facing. Unfortunately, this more wisely drafted alternative has not even been allowed as an amendment to this bill.

Mr. CANTOR. Mr. Speaker, I rise today in support of increasing government efficiency in considering new refinery applications in the Refinery Permit Process Schedule Act.

Gas prices have risen as supplies have been stretched thin and U.S. refineries have struggled to refine all of the oil we need. This bill streamlines the cumbersome government processes that delay and discourage new development and production, paving the way for construction of new oil or biofuel refineries.

Domestic energy security depends on reliable supply through exploration of oil and gas reserves on the outer continental shelf, bolstering our refining capacity, and investigating alternative sources of energy.

This bill is an important piece of ensuring American energy security and I am proud to support it.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 842, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOUCHER. Mr. Speaker, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Boucher moves to recommit the bill H.R. 5254 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. STRATEGIC REFINERY RESERVE.

(a) ESTABLISHMENT.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States. The Secretary may design and construct new refineries, or acquire closed refineries and reopen them, to carry out this section.

(b) OPERATION.—The Secretary shall operate refineries in the Strategic Refinery Reserve for the following purposes:

(1) During any period described in subsection (c), to provide petroleum products to the general public.

(2) To provide petroleum products to the Federal Government, including the Department of Defense, as well as State governments and political subdivisions thereof who choose to purchase refined petroleum products from the Strategic Refinery Reserve.

(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Strategic Refinery Reserve available under subsection (b)(1) only—

(1) during a severe energy supply interruption, within the meaning of such term under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.); or

(2) if the President determines that there is a regional petroleum product supply shortage of significant scope and duration and that action taken under subsection (b)(1) would assist directly and significantly in reducing the adverse impact of such shortage.

(d) LOCATIONS.—In determining the location of a refinery for the Strategic Refinery Reserve, the Secretary shall take into account the following factors:

(1) Impact on the local community (determined after requesting and receiving comments from State, county or parish, and municipal governments, and the public).

(2) Regional vulnerability to a natural disaster.

(3) Regional vulnerability to terrorist attacks.

(4) Proximity to the Strategic Petroleum Reserve.

(5) Accessibility to energy infrastructure.

(6) The need to minimize adverse public health and environmental impacts.

(7) The energy needs of the Federal Government, including the Department of Defense.

(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Strategic Refinery Reserve are designed to enable a rapid increase in production capacity during periods described in subsection (c).

(f) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this section, the Secretary shall transmit to the Congress a plan for the establishment and operation of the Strategic Refinery Reserve under this section. Such plan shall provide for establishing, within 2 years after the date of enactment of this section, and maintaining a capacity for the Reserve equal to 5 percent of the total United States daily demand for gasoline, home heating oil, and other refined petroleum products. If the Secretary finds that achieving such capacity within 2 years is not feasible, the Secretary shall explain in the plan the reasons therefor, and shall include provisions for achieving such capacity as soon as practicable. Such plan

shall also provide for adequate delivery systems capable of providing Strategic Refinery Reserve product to the entities described in subsection (b)(2).

(g) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall affect any requirement to comply with Federal or State environmental or other law.

(h) DEFINITIONS.—The definitions contained in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202) shall apply to this section.

SEC. 2. REFINERY CLOSING REPORTS.

(a) CLOSING REPORTS.—The owner or operator of a refinery in the United States shall notify the Secretary of Energy at least 6 months in advance of permanently closing the refinery, and shall include in such notice an explanation of the reasons for the proposed closing.

(b) REPORTS TO CONGRESS.—The Secretary of Energy, in consultation with the Federal Trade Commission, shall promptly report to the Congress any report received under subsection (a), along with an analysis of the effects the proposed closing would have on petroleum product prices, competition in the refining industry, the national economy, regional economies and regional supplies of refined petroleum products, and United States energy security.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of his motion.

Mr. BOUCHER. Mr. Speaker, the motion to recommit is the only means by which the Democratic alternative to the Republican bill could be brought to the House floor, and that is under the very restrictive procedure that the Republicans have adopted which eliminates any possibility for amendments, including a Democratic substitute.

I regret that that restrictive process does not enable the House to consider our Democratic alternative in regular order.

The motion that I am offering would create a strategic refinery reserve. That would be an effective means of resolving our national problem with regard to limited refinery capacity. We would model the refinery reserve upon the very successful strategic petroleum reserve which has been an excellent shock absorber protecting Americans from gasoline price spikes when there are disruptions in the delivery of crude oil.

Under our amendment, the Secretary of Energy will be directed to establish refineries with capacity equal to 5 percent of the total United States demand for gasoline, home heating oil and other refined petroleum products. The location of the refineries will be at the discretion of the Secretary with a preference that they be sited well away from the hurricane zone where we are concentrated today in our existing refinery capacity.

During normal times, the reserve will not operate at full capacity. The refineries during these normal times would sell refined product to the Federal fleet, including the Department of Defense, a step which would also enhance our national security.

Keeping the refinery reserve operational will ensure no lag time in placing it online if it is needed in times of emergency, and in those times when some portion of the Nation's refinery capacity is shut down, the refinery reserve would protect Americans from gasoline price spikes by selling their product into the commercial market.

This approach is sensible. It is based on a working and highly successful model, the Strategic Petroleum Reserve. It would be effective. It stands in stark contrast to the Republican proposal which would weaken environmental laws while failing to address our critical refinery shortage.

This motion also strikes section 5 which would direct the President to select three closed military bases upon which refineries would be situated, a provision which I find objectionable, which I think the vast majority of Members of this House also find objectionable. We would strike it in this motion.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN) to address those concerns.

Mr. ALLEN. Mr. Speaker, I rise in strong support of the Boucher-Dingell motion to recommit. Passage of this motion would do a great deal to improve refinery capacity and enhance the Nation's capability to respond to natural disasters.

The motion would also strike section 5, that section of the underlying bill that requires the President to designate at least three closed military bases as sites for oil refineries.

Passage of this motion would guarantee that communities which have had a base closed through the BRAC process will not be forced by Presidential fiat to accept an oil refinery. If you have a closed military base in your community or you believe in local control concerning decisions of siting oil refineries, support the Boucher-Dingell motion. If this motion fails and you care about the fate of a closed military base in your community, I urge Members to vote "no" on the underlying bill.

Mr. BOUCHER. Mr. Speaker, I urge adoption of this motion to recommit, and I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I certainly have sympathy for the underlying concept of the motion to recommit. The concept is that the United States Government should build, and perhaps even operate a certain number of refineries for a strategic refinery reserve. Conceptually, the idea is worth considering and we did consider it in

the discussions and negotiations that we had with Mr. BOUCHER and Mr. DINGELL. We never reached resolution, and there are a number of reasons why we couldn't reach resolution, and those are the reasons for which I oppose this motion to recommit.

First of all, we never really defined and the motion to recommit does not define what a strategic reserve is. That is one of the problems.

Another problem with the motion to recommit is it actually has the government operating the refinery. I do not believe that we really want the Federal Government or the U.S. military, which is part of the Federal Government, to be in the business of operating a refinery. If they do not operate it, except in certain times, times of war, times of national emergency, what do you with it the rest of the time? The bill is silent about that.

And of course, conceptually, we have a problem on the majority side of the aisle with government intervention of any kind. I will grant you as chairman of the committee, I could see a set of rules which we were never able to get to in our negotiations where you could set up certain parameters and certain backstops and things where maybe we could overcome that, but we simply were not able to pursue that, and the underlying motion to recommit does not pursue that.

This is an idea that has some merit. It is quite possible that if the Senate, the other body does something on refinery reform, that we might yet make a bipartisan agreement with some of our friends on the minority side. But for purposes of the motion to recommit at this point in time I strongly oppose this and would urge all Members who are prepared to vote for the refinery bill, the base bill, to vote "no" on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOUCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minutes votes on passage of H.R. 5254, if ordered; suspending the rules and passing H.R. 5449; and suspending the rules and passing S. 2803.

The vote was taken by electronic device, and there were—ayes 195, noes 223, not voting 14, as follows:

[Roll No. 231]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frank (MA)
Gonzalez
Gordon
Green, Al

Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hereth
Higgins
Hinchee
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-Engel
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano

NOES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess

Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake

Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.

Mack
Marchant
McCauley (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Soderl
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bishop (NY)
Bono
DeLay
Filner
Ford

Gibbons
Gohmert
Lantos
Manzullo
Nussle

Oberstar
Olver
Reyes
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1852

Mr. GILCHREST changed his vote from "aye" to "no."

Mr. SHERMAN and Mr. HOLT changed their vote from "no" to "aye." So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 231, motion to recommit on H.R. 5254, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOUCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 179, not voting 15, as follows:

Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallely
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves

[Roll No. 232]

AYES—238

Aderholt Gallegly Neugebauer
 Akin Garrett (NJ) Ney
 Alexander Gerlach Northup
 Bachus Gilchrest Norwood
 Baker Gillmor Nunes
 Barrett (SC) Gingrey Osborne
 Barrow Otter
 Bartlett (MD) Goodlatte Oxley
 Barton (TX) Gordon Paul
 Bass Granger Pearce
 Beauprez Graves Pence
 Biggert Green (WI) Peterson (PA)
 Bilirakis Green, Gene Petri
 Bishop (GA) Gutknecht Pickering
 Bishop (UT) Hall Pitts
 Blackburn Hart Platts
 Blunt Hastings (WA) Poe
 Boehlert Hayes Pombo
 Boehner Hayworth Porter
 Bonilla Hefley Price (GA)
 Bonner Hensarling Pryce (OH)
 Boozman Herger Putnam
 Boren Herseth Radanovich
 Boustany Hobson Ramstad
 Boyd Hoekstra Regula
 Bradley (NH) Holden Rehberg
 Brady (TX) Hostettler Reichert
 Brown (SC) Hulshof Renzi
 Brown-Waite, Hunter Reynolds
 Ginny Hyde Rogers (AL)
 Burgess Inglis (SC) Rogers (KY)
 Burton (IN) Issa Rogers (MI)
 Buyer Istook Rohrabacher
 Calvert Jenkins Ros-Lehtinen
 Camp (MI) Jindal Royce
 Campbell (CA) Johnson (CT) Ryan (WI)
 Cannon Johnson (IL) Ryun (KS)
 Cantor Johnson, Sam Saxton
 Capito Jones (NC) Schmidt
 Carter Keller Schwarz (MI)
 Castle Kelly Sensenbrenner
 Chabot Kennedy (MN) Sessions
 Chocola King (IA) Shadegg
 Coble King (NY) Shaw
 Cole (OK) Kingston Sherwood
 Conaway Kirk Shimkus
 Costa Kline Shuster
 Costello Knollenberg Simmons
 Cramer Kolbe Simpson
 Crenshaw Kuhl (NY) Smith (NJ)
 Cubin LaHood Smith (TX)
 Cuellar Latham Sodrel
 Culberson LaTourette Souder
 Davis (KY) Leach Stearns
 Davis (TN) Lewis (CA) Sullivan
 Davis, Jo Ann Lewis (KY) Sweeney
 Davis, Tom Linder Tancred
 Deal (GA) LoBiondo Taylor (MS)
 Dent Lucas Taylor (NC)
 Diaz-Balart, L. Lungren, Daniel Terry
 Diaz-Balart, M. E. Thomas
 Doolittle Mack Thornberry
 Drake Marchant Tiahrt
 Dreier Marshall Tiberi
 Duncan McCaul (TX) Turner
 Edwards McCotter Upton
 Ehlers McCreery Walden (OR)
 Emerson McHenry Walsh
 English (PA) McHugh Wamp
 Everett McKeon Weldon (FL)
 Feeney McMorris Weldon (PA)
 Ferguson Melancon Weller
 Flake Mica Westmoreland
 Foley Miller (FL) Whitfield
 Forbes Miller (MI) Wicker
 Fortenberry Miller, Gary Wilson (NM)
 Fossella Moran (KS) Wilson (SC)
 Foxx Murphy Wolf
 Franks (AZ) Musgrave Young (AK)
 Frelinghuysen Myrick Young (FL)

NOES—179

Abercrombie Boucher Cleaver
 Ackerman Brady (PA) Clyburn
 Allen Brown (OH) Conyers
 Andrews Brown, Corrine Cooper
 Baca Butterfield Crowley
 Baird Capps Cummings
 Baldwin Capuano Davis (AL)
 Bean Cardin Davis (CA)
 Becerra Cardoza Davis (FL)
 Berkley Carnahan Davis (IL)
 Berman Carson DeFazio
 Berry Case DeGette
 Blumenauer Chandler Delahunt
 Boswell Clay DeLauro

Dicks Lipinski Roybal-Allard
 Dingell Lofgren, Zoe Ruppersberger
 Doggett Lowey Ryan (OH)
 Doyle Lynch Sabo
 Emanuel Maloney Salazar
 Engel Markey Sánchez, Linda
 Eshoo Matheson T.
 Etheridge Matsui Sanchez, Loretta
 Evans McCarthy Sanders
 Farr McColm (MN) Schakowsky
 Fattah McDermott Schiff
 Fitzpatrick (PA) McGovern Schwartz (PA)
 Frank (MA) McIntyre Scott (GA)
 Gonzalez McKinney Scott (VA)
 Green, Al Serrano
 Grijalva Meehan Shays
 Gutierrez Meek (FL) Sherman
 Harman Meeks (NY) Skelton
 Hastings (FL) Michaud Smith (WA)
 Higgins Millender- Snyder
 Hinchey McDonald Solis
 Hinojosa Miller (NC) Spratt
 Holt Miller, George Stark
 Honda Mollohan Strickland
 Hooley Moore (KS) Stupak
 Hoyer Moore (WI) Tanner
 Inslee Moran (VA) Tauscher
 Israel Murtha Thompson (CA)
 Jackson (IL) Nadler Thompson (MS)
 Jackson-Lee Napolitano Tierney
 (TX) Neal (MA) Towns
 Jefferson Obey Udall (CO)
 Johnson, E. B. Oliver Udall (NM)
 Jones (OH) Ortiz Van Hollen
 Kanjorski Owens Velázquez
 Kaptur Pallone Visclosky
 Kennedy (RI) Pascrell Wasserman
 Kildee Pastor Schultz
 Kilpatrick (MI) Payne Waters
 Kind Pelosi Watson
 Kucinich Peterson (MN) Watt
 Langevin Pomeroy Waxman
 Larsen (WA) Price (NC) Weiner
 Larson (CT) Rahall Wexler
 Lee Rangel Woolsey
 Levin Ross Wu
 Lewis (GA) Rothman Wynn

NOT VOTING—15

Bishop (NY) Gibbons Nussle
 Bono Gohmert Oberstar
 DeLay Harris Reyes
 Filner Lantos Rush
 Ford Manzullo Slaughter

□ 1859

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HARRIS. Mr. Speaker, on rollcall No. 232, on final passage of H.R. 5254, I am not recorded. Had I been present, I would have voted “yea.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 232, final passage of H.R. 5254, I was in my Congressional District on official business. Had I been present, I would have vote “no.”

AMENDING TITLE 49, UNITED STATES CODE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5449.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5449, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 271, nays 148, not voting 13, as follows:

[Roll No. 233]

YEAS—271

Grijalva Owens
 Gutierrez Pallone
 Hall Pascrell
 Harman Pastor
 Hart Paul
 Hastings (FL) Payne
 Hayes Pelosi
 Herseth Peterson (MN)
 Higgins Platts
 Hinchey Poe
 Hinojosa Pombo
 Holden Pomeroy
 Holt Porter
 Honda Price (NC)
 Hooley Pryce (OH)
 Hostettler Rahall
 Hoyer Ramstad
 Inslee Rangel
 Israel Rehberg
 Issa Reichert
 Jackson (IL) Renzi
 Jackson-Lee Ross
 (TX) Rothman
 Jefferson Roybal-Allard
 Jenkins Ruppersberger
 Johnson (IL) Rush
 Johnson, E. B. Ryan (OH)
 Jones (NC) Sabo
 Jones (OH) Salazar
 Kanjorski Sánchez, Linda
 Kaptur T.
 Kelly Sanchez, Loretta
 Kennedy (RI) Sanders
 Kildee Saxton
 Kilpatrick (MI) Schakowsky
 Kind Schiff
 King (NY) Schwartz (PA)
 Kirk Schwarz (MI)
 Kline Scott (GA)
 Case Kucinich Scott (VA)
 Chandler Kuhl (NY) Serrano
 Clay Langevin Shays
 Cleaver Larsen (WA) Sherman
 Clyburn Larson (CT) Sherwood
 Cole (OK) LaTourette Shimkus
 Conyers Lee Shuster
 Cooper Levin Simmons
 Costa Lewis (GA) Skelton
 Costello Lewis (KY) Smith (NJ)
 Cramer Lipinski Smith (WA)
 Crowley LoBiondo Snyder
 Cuellar Lofgren, Zoe Solis
 Cummings Lowey Spratt
 Davis (AL) Lynch Stark
 Davis (CA) Maloney Strickland
 Davis (FL) Markey Stupak
 Davis (IL) Marshall Sweeney
 Davis (KY) Matheson Tanner
 Davis (TN) Matsui Tauscher
 Davis, Jo Ann McCarthy Taylor (MS)
 Davis, Tom McCaul (TX) Thompson (CA)
 DeFazio McColm (MN) Thompson (MS)
 DeGette McCotter Tiberi
 Delahunt McDermott Tierney
 DeLauro McGovern Towns
 Dent McHugh Udall (CO)
 Diaz-Balart, L. McIntyre Udall (NM)
 Dicks McKinney Van Hollen
 Dingell McNulty Velázquez
 Doggett Meehan Meeks (NY)
 Doyle Meek (FL) Walsh
 Edwards Meeks (NY) Wasserman
 Emanuel Melancon Schult
 Emerson Michaud
 Engel Millender-
 English (PA) McDonald
 Eshoo Miller (NC)
 Etheridge Miller, George
 Evans Mollohan
 Farr Moore (KS)
 Fattah Moore (WI)
 Ferguson Moran (KS)
 Fitzpatrick (PA) Moran (VA)
 Foley Murphy
 Fossella Murtha
 Frank (MA) Nadler
 Gerlach Napolitano
 Gilchrest Neal (MA)
 Gonzalez Ney
 Gordon Obey
 Green, Al Oliver
 Green, Gene Ortiz

NAYS—148

Aderholt Bachus Barrett (SC)
 Akin Baker Bartlett (MD)